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FORT LAUDERDALE CITY COMMISSION
June 19, 2001**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JUNE 19, 2001**

Meeting was called to order at 6:25 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Commissioner Gloria Katz
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sgt. Roddy

Invocation was offered by *Rabbi Schneur Kaplan*, Chabad Torah Center

Pledge of Allegiance to the Flag.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting June 5, 2001

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle.
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle offered Expressions of Sympathy, on behalf of the City Commission, to the families of *Tyler Meyer* and *Amber Duffin*.

2. Community Appearance Board's WOW Award for District IV

Commissioner Hutchinson presented the Community Appearance Board's WOW Award for District IV to:

Shawn and Juliet McKamey
1203 Southeast 11th Court
Rio Vista Isles

She described the two-year renovation project that had transformed the home from an eyesore into one of the most beautiful homes in the Rio Vista Isles neighborhood. Commissioner Hutchinson presented a gift certificate from Causeway Lumber to help the McKarney's maintain their home's beauty and charm.

3. Annual Telephone Book Recycling Awards

Commissioner Katz presented the Annual Telephone Book Recycling Awards to:

Bennett Elementary School, First Place
Northside Elementary School, Second Place
Bayview Elementary School, Third Place

She reported that 12 elementary schools had participated, and 74 tons of telephone books had been collected for recycling with the help of neighborhood associations. This translated into saving 1,250 trees, and 1.8 million gallons of water. Commissioner Katz congratulated all of the participating schools and all of the individuals who had made this program so successful.

4. "National Blonde Day"

Commissioner Hutchinson read aloud a Proclamation declaring July 9, 2001 as "National Blonde Day" in the City of Fort Lauderdale, and called for less prejudice against the fair haired and celebration of blonde living. She explained that the ultimate goal was to ensure hair color was no factor in any work or social environment.

5. Water Restrictions

Mayor Naugle announced that even with the recent rainfall, the City of Fort Lauderdale continued to face a severe water shortage and reminded residents to "Turn it Off!" and follow current water restrictions. Mayor Naugle provided some water saving tips as well.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Kayak Against Cancer (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Kayuba Dive Club of Florida** to indemnify, protect, and hold harmless the City from any liability in connection with **Kayak Against Cancer** to be held **Saturday, June 23, 2001 from 7:00 a.m. to 3:00 p.m.** in the ocean beginning in Lighthouse Point and ending at Bahia Cabana on the Intracoastal Waterway.

Recommend: Motion to approve.

Exhibit: Memo No. 01-916 from City Manager.

Event Agreement – Soap Box Derby (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **YMCA of Broward County** to indemnify, protect, and hold harmless the City from any liability in connection with the **Soap Box Derby** to be held **Saturday, September 8, 2001 from 7:00 a.m. to 6:00 p.m.**; and further authorizing the closing of S.E. 3 Avenue from the south side of the Bridge over the New River to S.E. 7 Street from 4:00 a.m. to 9:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 01-917 from City Manager.

Event Agreement – Girl Scouts 90th Birthday Celebration (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Girl Scouts of Broward County and the Museum of Discovery and Science** to indemnify, protect, and hold harmless the City from any liability in connection with the **Girl Scouts 90th Birthday Celebration** to be held **Saturday, March 9, 2002 from 8:00 a.m. to 6:00 p.m.** at the Museum of Discovery and Science and the Esplanade; and further authorizing the closing of S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 4:00 a.m. to 8:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 01-918 from City Manager.

**Grant Acceptance – State of Florida, Department of Community Affairs –
Emergency Management Preparedness and Assistance Grant Program (M-4)**

A motion authorizing the proper City officials to execute all documents necessary to accept a grant in the amount of \$47,300 from the State of Florida, Department of Community Affairs, Emergency Management, to be used for the implementation of emergency backup repeaters for the City's radio communication system.

Recommend: Motion to approve.

Exhibit: Memo No. 01-865 from City Manager.

**Concession Agreement –
City County Credit Union – Automatic Teller Machine (ATM) at City Hall (M-5)**

A motion authorizing the proper City officials to execute a concession agreement with the City County Credit Union for the operation of an ATM at City Hall.

Recommend: Motion to approve.

Exhibit: Memo No. 01-855 from City Manager.

**Interlocal Agreements – Broward County –
Local Option Gas Tax, Local Option Motor Fuel Tax and Transit Gas Tax (M-6)**

A motion authorizing the proper City officials to execute with Broward County the 18th Amendment to the Interlocal Agreement providing for the distribution of proceeds of the Local Option Gas Tax, and the 2001 Amendment to the Interlocal Agreement providing for the distribution of the proceeds from the Broward County 5th cent additional local option gas tax on Motor Fuel for Transit; and further authorizing the rejection of the 2001 Amendment to the Local Option Gas Tax on Motor Fuel Ordinance.

Recommend: Motion to approve.

Exhibit: Memo No. 01-896 from City Manager.

**Lease Amendment – CAPROC Third Avenue, LLC –
Office Space for Community and Economic Development
at 101 N.E. 3 Avenue (Suites 102 and 103) (M-7)**

A motion authorizing the proper City officials to execute an agreement with CAPROC Third Avenue, LLC in the amount of \$35,257.44 for a six-month lease extension for the general use conference room and Housing and Community Development staff offices in the 101 N.E. 3 Avenue building.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-887 from City Manager.

**Amendment to Task Order No. 40 – CH2M Hill – Project 9076 –
Wastewater Flow Monitoring for the Wastewater Conveyance System (M-8)**

A motion authorizing the proper City officials execute an amendment to Task Order No. 40 with CH2M Hill in the amount of \$315,000 for short-term wastewater flow monitoring for the wastewater conveyance system.

Funds See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-919 from City Manager.

**Change Order No. 3 – Man-Con, Inc. –
Project 10335 - Annual Contract Sanitary and Storm Sewer Repairs (M-9)**

A motion authorizing the proper City officials to execute Change Order No. 3 with Man-Con, Inc. in the amount of \$59,688.65 for the repair of 333 lineal feet of sanitary sewer main by pipe bursting, including the reconnection of all eight service laterals.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-856 from City Manager.

**Installation of Speed Humps – N.W. 18 Street
(South Middle River Neighborhood) (M-10)**

A motion authorizing the installation of speed humps on N.W. 18 Street in the South Middle River Neighborhood, with construction to be the responsibility of the neighborhood at no cost to the City.

Recommend: Motion to approve.

Exhibit: Memo No. 01-760 from City Manager.

**Task Order No. 7 – Hazen and Sawyer – Project 9918 –
Poinciana Park and Second Avenue Storage Tank
and Pumping Station Replacements (M-11)**

A motion authorizing the proper City officials to execute Task Order No. 7 with Hazen and Sawyer in the amount of \$963,100 for the Poinciana Park and Second Avenue storage tank and pumping station replacements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-910 from City Manager.

PURCHASING AGENDA

Miami-Dade School Board & State–Three year Lease of Network Color Copier and Desktop Computer (Pur-1)

Three year lease of a network color copier with one year full service maintenance and purchase of a desktop computer is being presented for approval by the Administrative Services, Central Services Division.

Low Responsible Bidder: CopyCo, Inc., Deerfield Beach, FL
Dell Marketing, L.P., Round Rock, TX
Amount: \$20,119.69 (estimated)
Bids Solicited/Rec'd: 27/8 with 13 no bids
Exhibits: Memorandum No. 01-819 from City Manager

The Purchasing Division recommends award from the Miami Dade School Board and Florida State Contract.

Proprietary – FAMIS Software Maintenance and Support (Pur-2)

One year agreement for FAMIS software maintenance and support is being presented for approval by the Administrative Services, Information Technology Division.

Low Responsible Bidders: KPMG Consulting, McLean, VA
Amount: \$ 127,840.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-864 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Boca Raton RFP – Fire-Rescue Transport Unit (Pur-3)

An agreement to purchase one Fire-Rescue transport unit is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: American LaFrance Medic Master, Sanford, FL
Amount: \$181,809.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-714 from City Manager

The Purchasing Division recommends award from the City of Boca Raton with transfer of \$181.809 from Contingency (FD001-9950) to Operations-Other Equipment (FIR030101-6499) \$24,085, Communications Equipment (FIR010502-6401) \$8,850, Medical Equipment (FIR030101-6499) \$13,295 and Fleet Vehicles (ADM030501-6416) \$135,579.

612-8499 – Contract for Polymer/Wastewater Sludge (Pur-4)

A two year contract for polymer for wastewater sludge is being presented for approval by the Public Services Department.

Low Responsible Bidders: Polydyne, Inc., Riceboro, GA
Amount: \$ 95,526.00 (estimated annual)
Bids Solicited/Rec'd: 4/4
Exhibits: Memorandum No. 01-899 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidders.

**612-8485 – One year Price Agreement
for Water Distribution and Repair Parts (Pur-5)**

A one year price agreement for water distribution and repair parts is being presented for approval by the Public Services Department.

Low Responsible Bidder: A&B Pipe and Supply (MBE)
Miami, FL
Hughes Supply, Inc.
Pompano Beach, FL
Lion Plumbing Supply, Inc.
Miami, FL
Power Seal Pipeline Products Corp.
Wichita Falls, TX
W&O Supply
Fort Lauderdale, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: 20/9 with 1 no bid
Exhibits: Memorandum No. 01-891 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidders.

Proprietary – Repair Parts for (2) Degritter Units (Pur-6)

An agreement to purchase repair parts for two degritter units is being presented for approval by the Public Services Department.

Low Responsible Bidders: GL&V/Dorr-Oliver, Ontario, Canada
Amount: \$ 28,200.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-868 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

It was announced that Consent Agenda **Item No. M-1** had been deleted from the Consent Agenda and would not be considered today.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item Nos. M-7, M-11 and Pur. 2 be deleted from the Consent Agenda and discussed separately, and that the remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Lease Amendment – CAPROC Third Avenue, LLC –
Office Space for Community and Economic Development at
101 Northeast 3rd Avenue (Suites 102 and 103) (M-7)**

Commissioner Katz felt a needs assessment should be done with respect to City office space. Commissioner Katz was concerned that these types of decisions were being made without all of the pertinent information. Mr. Greg Kisela, Assistant City Manager, stated that a preliminary report would be presented on July 17, 2001.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-7 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Task Order No. 7 – Hazen & Sawyer – Project 9918 –
Poinciana Park and Second Avenue Storage Tank and
Pumping Statement Replacements (M-11)**

Commissioner Katz asked if this was part of the 20-year Master Plan. Mr. Kisela replied it was. Commissioner Katz asked if an accounting of what was being spent could be tracked beginning now in order to keep track of spending as time went on. The City Manager said that could be done, but he wanted to make sure everyone understood there was a difference between this and the 20-year plan recently approved for provision of sewers and other improvements to the wastewater treatment system through the sale of bonds. He explained that this was keeping with the portion of the master plan regarding replacement of existing sewers v installation of new sewers.

Commissioner Katz said that when the City started spending money for the \$550 million master plan, there should be an accounting kept of the expenditures. Mr. Kisela assured her that would occur.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-11 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Proprietary – FAMIS Software Maintenance and Support (Pur. 2)

Commissioner Katz understood this had originally been approved for \$50,000, but this was several times the cost of the original amount. Mr. Kirk Buffington, Purchasing Manager, explained that the \$50,000 had been a discounted price, and \$127,000 was the one-year maintenance cost. Mr. Lee Holroyd, Information & Technology Director, stated that the software covered by this agreement extended beyond the software purchased for \$50,000. Mr. Buffington stated that the standard license fee for everything that had been purchased at that time had actually been \$752,000, but the City had paid \$50,000.

Commissioner Smith asked if support was paid for on an hourly basis. Mr. Buffington advised there was a flat fee.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 2 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amend Approved Site Plan/Modification of Height/Fence Lighting –
City of Fort Lauderdale – Joseph C. Carter Park (PZ Case No. 75-R-00)(PH-1)**

At the April 18, 2001 Planning and Zoning Board meeting, the following application was approved by a vote of 7-0. Notice of public hearing was published June 7 and 14, 2001.

Applicant: City of Fort Lauderdale
Request: Amendment to approved site plan/modification of height/fence/lighting
Location: 1450 West Sunrise Boulevard

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-24

**AN ORDINANCE APPROVING STRUCTURES WITHIN A PUBLIC PARK THAT
DO NOT MEET THE BUFFERYARD WALL OR LIGHTING REQUIREMENTS IN
A PARKS, RECREATION AND OPEN SPACE (P) ZONING DISTRICT, WHICH
PARK IS LOCATED AT 1450 WEST SUNRISE BOULEVARD; AND GRANTING
RELIEF FROM THE BUFFERYARD WALL AND LIGHTING REQUIREMENTS
PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT
REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Parking Reduction/Site Plan/RAC-EMU and Vacate Portion of
N.E. 1 Street – Luke Meyer, et al – The Waverly
(PZ Case Nos. 30-P-00 and 39-R-01) (PH-2)**

A public hearing was scheduled to consider a parking reduction/site plan review and the vacation of N.E. 1 Street for The Waverly proposed development. The vacation was approved at the Planning and Zoning Board regular meeting on April 18, 2001 by a vote of 5-2. Notice of public hearing was published May 3 and 10, 2001. At the May 1, 2001 meeting, the City Commission requested review of the parking reduction and site plan approved by the Planning and Zoning Board on April 18, 2001. On May 15, 2001, the City Commission denied approval by a vote of 2-3 (Hutchinson, Katz and Naugle). On June 5, 2001, the City Commission approved a motion to reconsider this application by a vote of 3-2 (Hutchinson and Naugle); and further approved a motion to schedule a public hearing for June 19, 2001 at 6:00 p.m. by a vote of 5-0.

Applicant: Luke Meyer, et al
Request: a) Parking reduction/site plan review; and
b) Vacate a portion of N.E. 1 Street
Location: Northeast corner of Federal Highway (U.S. 1) and East Broward Boulevard

Mayor Naugle called for those who wished to be heard. The following appeared and affirmed to speak only the truth by virtue of an oath administered by the City Clerk:

Ms. Lois Udvardy, Construction Services, stated that this application had been denied originally, but the Commission had decided to reconsider the issue. She advised that the site plan had been revised, and the applicant would described those changes, but staff recommended certain conditions should the Commission decide to approve the amended site plan. Those conditions included:

- That a 6' dedication be provided on the north right-of-way of East Broward Boulevard, between North Federal Highway (U.S. #1) and Northeast 7th Avenue;
- That the westbound lanes of East Broward Boulevard adjacent to the site be shifted 6' to the north and that a 10' wide median, with landscaping, irrigation, and signage, be provided on East Broward Boulevard for a length of 210' and subject to approval by the City Engineer, Broward County, and the Florida Department of Transportation (FDOT);
- All costs and arrangements to provide these improvements and coordination with the County and FDOT to revise all pavement patterns, markings and signage, were to be the responsibility of the applicant;
- The applicant would contribute \$50,000 toward the costs of changes to the medians, intersections and signalizations of the two intersections of Northeast 2nd and 3rd Streets with Federal Highway;
- That the loading zone within the parking garage of the project be extended 10' to a length of 45'; and
- Final DRC approval.

Mr. Dennis Mele, Attorney representing the applicant, displayed some graphics and listed changes made to the plan since the Commission had last considered this matter. He noted that a 6% parking reduction had originally been requested but, by reducing the number of units in the building and making some other modifications, a parking reduction was no longer necessary. In addition, the original proposal had involved a right-turn lane from Broward Boulevard onto Federal Highway, but that turn lane had been eliminated and the intersection would be improved through dedication of 6' of right-of-way and widening of the median along the front of the project on Broward Boulevard. Landscaping would be provided and signage deemed appropriate would be installed as well.

Mr. Mele advised that the size of the plaza at the corner of Broward Boulevard and Federal Highway had been increased to make it more of a public space, and water fountains would be added as well. In addition, although the requirement for open space dropped slightly due to the reduction in the number of units in the building, the amount of open space had been increased on the site. Further, the storefront along 7th Avenue had been modified to increase it in response to comments and concerns from neighboring property owners.

Mr. Mele pointed out that the curb cut on 7th Avenue had been modified to shift it northward, and the northern building elevation had been modified so there would not be an overhang over the alley to enhance traffic movement. He stated that the width of the sidewalk on 7th Avenue had been increased as discussed at the last meeting. Mr. Mele noted that the number of units had been reduced from 320 to 304, and various adjustments had been made in terms of height and volume, which he detailed through use of graphics. He pointed out that there had been an approximate height reduction of 80' at the center portion of the building, and about 4 floors had been removed at the southeast corner of the building facing the residential neighborhood.

Mr. Mele advised that the applicant had no objection to the conditions recommended by staff, and the applicant would work with FDOT with respect to the traffic signal on Federal Highway at 2nd Street and at Broward Boulevard. He understood there had already been discussions with the FDOT about reactivating that signal, and the FDOT had agreed to put it in place at the request of the City. Mr. Mele reiterated that no parking reduction was necessary, and he believed the road vacation had generated little comment when this matter had previously been considered.

Commissioner Katz asked who would be responsible for maintenance of the alley, and Mr. Mele believed that was a public dedicated alley so it would continue to be maintained by the City. Mr. Chris Barton, Construction Services, stated that the public portion of the alley would be maintained by the City, although the private drive to the south would be maintained by the applicant. Mr. Mele agreed that was the case.

Mr. Ted Fling, President of the Victoria Park Civic Association, said he was representing over 600 members of the Association, although there were about 10,000 residents of the entire neighborhood. He advised that there had been about 15 meetings in this regard, and the Association had voted overwhelmingly in favor of this project. Mr. Fling believed this project had been reviewed as much as possible, and he felt everyone's fears had been allayed.

Mayor Naugle referred to the traffic light at 2nd Street and asked if the Association had taken any position in that regard. Mr. Fling replied that a position on that issue had not been specifically taken, but the neighborhood had been trying to get the blinking signal into full operation ever since it had been installed.

Ms. Cindy Eden, Past President of the Association and Chair of the Association's Planning Committee, supported the project as modified.

Mr. Bill Tinnerman said he had been the original developer of the 150 Office Building and was still a tenant of that building abutting the alley. He believed it would be in the City's best interests to allow this project to go forward, particularly in light of the property's history. Mr. Tinnerman noted that the developer had been willing originally to dedicate 10' of right-of-way, and he suggested the City accept that full dedication. As to the \$50,000 contribution for 2nd and 3rd Streets, Mr. Tinnerman had learned that the FDOT had agreed to fund the turn lane and then initiate median improvements to close the access to 3rd Street and provide access to 2nd Street.

Mr. Mark Ketcham, Past President of the Association, expressed his support of the project, as did *Mr. Renee Lupin*, a resident of Victoria Park.

Motion made by Commissioner Smith and seconded by Commissioner Moore to close public hearing. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Smith noted that there had been a long, tortured history associated with this property, and he felt this proposal would be good for the City. He felt this project had been heavily scrutinized over the past year, and it had been modified to what he believed was the best project it could be. Commissioner Smith thought everyone would be sorry if this project was not approved this evening, and he hoped the rest of the Commission would agree.

Commissioner Katz hoped the neighborhood did not think the Commission had been discounting its feelings, but it had to consider the issues and how they related to the long-term. She said she'd had a number of concerns about this project, but she felt the applicant had addressed those concerns to the extent possible. Commissioner Katz was satisfied with the project.

Commissioner Moore liked the team approach that had been used with regard to this development, but he was concerned about the affordability of the units that would be constructed. He wondered if the Commission would be willing to consider an "affordable housing ordinance" so that new projects included some component of affordable housing. He also wondered if this applicant would be the "first contributor" to an affordability plan. Mr. Mele advised that the applicant had reviewed this issue and had found there were a combination of ways to address affordability. The first was to actually provide such units on the property, but some communities also allowed contributions to a trust fund set up for that purpose. Mr. Mele stated that this applicant was willing to make such a contribution, realizing that the City would have to perform some analysis to set up this type of trust fund program. He pledged that when a building permit was issued, the applicant would contribute \$50,000 to address affordable housing issues.

Commissioner Moore said he had just been convinced that this would be a beautiful project and asked the City Attorney to implement some type of trust fund and ordinance to address affordable housing as quickly as possible. The City Attorney stated that his staff had started the process of reviewing some of the materials provided by Commissioner Moore in this regard, and options would be presented.

Commissioner Hutchinson acknowledged the concessions made by the developer, but she was still concerned about the density. She was concerned about the precedent, and she could not support the project.

Mayor Naugle noted that the new median would help pedestrians cross at the intersection. Mr. Peter Partington, Traffic Engineer, agreed that the medians were considered to be pedestrian-friendly elements. Mayor Naugle asked if consideration was being given to changing the number of through lanes eastbound on Broward Boulevard. Mr. Partington stated that the consultants had examined that idea, but the problem seemed to be that in order to reduce the lanes, it would require extending it to the west side of Federal Highway. Mayor Naugle felt it was too wide in that area as well.

Mayor Naugle wondered if the current paver project would have to be altered in light of the changes made to this project. He noted that the pattern on the brick correlated with the lanes. Mr. Partington agreed it would have to be modified by the applicant later. Mayor Naugle understood no parking reduction was necessary, and he shared Commissioner Hutchinson's concerns regarding density, although he felt this was a better plan than had originally been presented.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN TO DEVELOP A MIXED USE DEVELOPMENT ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF FEDERAL HIGHWAY AND BROWARD BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN RAC-EMU ZONING DISTRICT. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith and Moore. NAYS: Commissioner Hutchinson and Mayor Naugle.

Commissioner Moore hoped there was mention of the \$50,000 contribution toward affordable housing in the documents under consideration. The City Attorney advised that this had become a condition of the site plan as represented by the applicant. Mayor Naugle added that the conditions listed by staff were also included. The City Attorney agreed that was correct.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-25

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 1ST STREET (LAWRENCE STREET) AS SHOWN ON THE PLAT OF "DAVIS ADDITION TO FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 28 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BEING BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF NORTHEAST 7TH AVENUE (DAVIS AVENUE) AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF FEDERAL HIGHWAY (U.S. HIGHWAY NUMBER 1) AS SHOWN ON STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 86020-2502, LOCATED EAST OF FEDERAL HIGHWAY, WEST OF NORTHEAST 7TH AVENUE, BETWEEN BROWARD BOULEVARD AND NORTHEAST 2ND STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

**Vacate a Portion of S.E. 2 Street between S.E. 8 Avenue
and Federal Highway – The Las Olas Company, Inc. et al
(PZ Case No. 20-P-00)** (PH-3)

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 4-3 that the following application be approved. Notice of public hearing was published March 3 and 10, 2001. On March 15, 2001, the City Commission deferred first reading to June 19, 2001 by a vote of 3-2 (Hutchinson and Naugle). (Also see Item PH-4 on this Agenda)

Applicant:	The Las Olas Company, Inc. et al
Request:	Vacate a portion of S.E. 2 Street
Location:	S.E. 2 Street between S.E. 8 Avenue and Federal Highway (U.S. 1)

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading of this ordinance to 6:00 P.M. on Thursday, September 20, 2001. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Alley South of S.E. 2 Street between
S.E. 8 Avenue and Federal Highway – The Las Olas
Company, Inc. et al (PZ Case No. 21-P-00) (PH-4)**

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 6-1 that the following application be approved. Notice of public hearing was published March 3 and 10, 2001. On March 15, 2001, the City Commission deferred first reading to June 19, 2001 by a vote of 3-2 (Hutchinson and Naugle). (Also see Item PH-3 on this Agenda)

Applicant:	The Las Olas Company, Inc. et al
Request:	Vacate a portion of alley
Location:	South of S.E. 2 Street between S.E. 8 Avenue and Federal Highway (U.S. 1)

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Neil Eward inquired about access for the maintenance of the electrical utilities in the alley. He believed it would be more practical to maintain public access to this alley.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Mayor Naugle noted that there was a historic building down the street along the Himmarshee Canal. He wondered about the plans for that building. *Mr. Bob Huebner*, Attorney representing the applicant, had no information in that regard as there was no link between that issue and this vacation. Mayor Naugle understood that, but the building was open and deteriorating. He requested information in this regard before second reading. Mr. Huebner did not believe The Las Olas Company would be able to provide information in that regard over the next two weeks. He stated that the building was under examination, but he could not make any commitments at this time. Commissioner Hutchinson hoped the applicant would be more candid in this respect prior to second meeting because there had been discussion in this regard in the past. Commissioner Smith also felt it was important.

Mr. Huebner stated that structural engineers were examining the walls of the building. Commissioner Hutchinson recalled discussion about saving the building and thought it was odd that no commitment could be made at this point in time. Commissioner Smith hoped everything possible would be done to save that part of Fort Lauderdale's history. Mayor Naugle said he would support this ordinance now as a sign of good faith and in the hopes that there would be additional information presented before second reading.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-01-26

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE 10 FOOT WIDE ALLEY IN BLOCK "C", "EDGEWATER ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 123, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND LYING BETWEEN BLOCK 3, "BEVERLY HEIGHTS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30 AND BLOCK 3, "COLEE HAMMOCK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 8TH AVENUE (A 50 FOOT RIGHT-OF-WAY); AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF FEDERAL HIGHWAY, AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 8601-2122 (2204), DATED 11-56, LOCATED BETWEEN SOUTHEAST 2ND STREET AND SOUTHEAST 2ND COURT, EAST OF FEDERAL HIGHWAY AND WEST OF SOUTHEAST 8TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Vacate a North/South Alley – Corporate Properties Holdings, Inc. and Harold F. Reichert, Jr. (PZ Case No. 2-P-01)..... (O-1)

At the April 18, 2001 Planning and Zoning Board regular meeting, it was recommended by a vote of 7-0 that the following application be approved. Ordinance No. C-01-21 was published May 24 and 31, 2001, and passed on first reading on June 5, 2001 by a vote of 5-0. (Also see Item O-2 on this Agenda)

Applicant: Corporate Properties Holdings, Inc. and Harold F. Reichert, Jr.
Request: Vacate a north/south alley
Location: 2411 South Federal Highway (U.S. 1)

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-21

AN ORDINANCE VACATING, ABANDONING AND CLOSING ALL OF THE 16 FOOT ALLEY IN BLOCK 3 "MIDWAY SECTION OF CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 63 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID ALLEY RUNNING NORTH TO SOUTH AND LYING WEST OF AND ADJACENT TO LOTS 1 THROUGH 10 OF SAID BLOCK 3, LOCATED BETWEEN SOUTHEAST 24TH STREET AND SOUTHEAST 25TH STREET, WEST OF FEDERAL HIGHWAY AND EAST OF SOUTHEAST 4TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Vacate a Portion of S.E. 25 Street – Corporate Properties Holdings, Inc. and Harold F. Reichert, Jr. (PZ Case No. 3-P-01)..... (O-2)

At the April 18, 2001 Planning and Zoning Board regular meeting, it was recommended by a vote of 7-0 that the following application be approved. Ordinance No. C-01-22 was published May 24 and 31, 2001, and passed on first reading on June 5, 2001 by a vote of 5-0. (Also see Item O-1 on this Agenda)

Applicant: Corporate Properties Holdings, Inc. and Harold F. Reichert, Jr.
Request: Vacate a portion of S.E. 25 Street
Location: 2411 South Federal Highway (U.S. 1)

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-22

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF SOUTHEAST 25TH STREET, (PLATTED AS PORVENIR STREET), AS SHOWN ON THE PLAT OF "MIDWAY SECTION OF CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 63, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF FEDERAL HIGHWAY AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 4TH AVENUE (PLATTED AS DELLWOOD AVENUE), LOCATED BETWEEN SOUTHEAST 4TH AVENUE AND FEDERAL HIGHWAY, ONE BLOCK SOUTH OF STATE ROAD 84, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Vacate a Portion of North/South Alley – Moving Picture Electronic Services, Inc. (PZ Case No. 27-P-00) (O-3)

At the April 18, 2001 Planning and Zoning Board regular meeting, it was recommended by a vote of 7-0 that the following application be approved. Ordinance No. C-01-23 was published May 24 and 31, 2001, and passed on first reading on June 5, 2001 by a vote of 5-0.

Applicant: Moving Picture Electronic Services, Inc.
Request: Vacate a portion of north/south alley
Location: North/south alley north of S.E. 20 Street between Miami Road and S.E. 10 Avenue

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-23

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE WEST 5 FEET, AS MEASURED ALONG THE NORTH AND SOUTH LINES, OF THE 15 FOOT ALLEY LYING EAST OF AND ADJACENT TO LOTS 12 THROUGH 14, BLOCK 24, "CORRECTED PLAT OF EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 15 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 14 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 12, LOCATED BETWEEN SOUTHEAST 19TH STREET AND SOUTHEAST 20TH STREET, EAST OF MIAMI ROAD AND WEST OF SOUTHEAST 10TH AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Flagler Avenue –
E. & B. Morley and T. & M. Tahmassebi (PZ Case No. 25-P-00)..... (O-4)**

At the Planning and Zoning Board regular meeting on March 21, 2001, it was recommended by a vote of 8-0 that the following application be approved. Ordinance No. C-01-19 was published April 21, 2001. On May 1, 2001, the City Commission deferred first reading to May 15, 2001 by a vote of 5-0; on May 15, 2001, first reading was approved by a vote of 5-0. On June 5, 2001, second reading was deferred to June 19, 2001 by a vote of 5-0.

Applicant: E. & B. Morley and T. & M. Tahmassebi
Request: Vacate a portion of Flagler Avenue abutting Lots 1 through 9, Block 59, Croissant Park, Plat Book 4, Page 28 and the Florida East Coast (FEC) Railroad.
Location: Flagler Avenue, east of the FEC Railroad, between S.W. 18 Court and S.W. 20 Street

Mr. Hector Castro, City Engineer, asked the Commission to consider deferring this item to July 10, 2001. He advised that there had been a productive meeting with the applicant.

Motion made by Commissioner Moore and seconded by Commissioner Smith to defer second reading to 6:00 P.M. on July 10, 2001. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Amendment to the Pay Plan (O-5)

An ordinance was presented amending the Pay Plan of the City, providing for new classes, title changes, class code number changes, and a title change and pay range adjustment in Schedule I, and providing for new classes and the deletion of an assignment pay in Schedule II. Notice of proposed ordinance was published June 9, 2001.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-27

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR NEW CLASSES, TITLE CHANGES, CLASS CODE NUMBER CHANGES, AND A TITLE CHANGE AND PAY RANGE ADJUSTMENT IN SCHEDULE I; PROVIDING FOR NEW CLASSES AND THE DELETION OF AN ASSIGNMENT PAY IN SCHEDULE II.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

Create Section 13-64 - Firefighter Service Key Boxes (O-6)

An ordinance was presented creating Section 13-64 of the Code of Ordinances to require firefighter service key boxes be maintained in all new and existing buildings with firefighter service capabilities. Notice of proposed ordinance was published June 9, 2001.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-28

AN ORDINANCE CREATING SECTION 13-64, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUIRING FIREFIGHTER SERVICE KEY BOXES BE MAINTAINED IN ALL NEW AND EXISTING BUILDINGS WITH FIREFIGHTER SERVICE CAPABILITIES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Amendment to Chapter 15 – Communications Services Tax (O-7)

An ordinance was presented amending Chapter 15 of the Code of Ordinances entitled "Licenses, Taxation and Miscellaneous Business Regulations," by replacing Section 15-128, "Telecommunications Public Service Tax" with a new Section 15-128, "Communications Services Tax;" providing for the adoption of the communications service tax rates as established by the Florida Legislature; electing not to require and collect engineering permit fees for the placement or maintenance of communications facilities in the City's roads or rights-of-way; and providing for notice to the State of Florida, Department of Revenue. Notice of proposed ordinance was published June 9, 2001.

Commissioner Moore asked who would collect the tax and how it would be distributed. Mr. Boe Cole, City Treasurer, replied that the State Department of Revenue would collect and distribute the tax. Commissioner Moore asked if there was an internal accounting process to ensure the City received the appropriate return.

Ms. Darlene Pfeiffer, Finance Department, reported that the tax was currently being tracked on a spreadsheet by vendor. She noted that there was also a hold harmless provision in the law so that if the City did not generate the same amount of revenue as in the base year of 2000, rates could be adjusted to regain that same level of revenue.

Mayor Naugle inquired about penalties for delinquency in payment of the taxes. Ms. Pfeiffer advised that was regulated by the State, and there was a formula. She stated that the City could notify the Department of Revenue if payments were late, and it was up to that agency to enforce it.

Commissioner Moore referred to the “bundling” of Internet services and the zip code + 4 database. Ms. Pfeiffer advised that the industry and the cities would be addressing the issue of bundling services. She had been assured it would be addressed during the next legislative session.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-29

AN ORDINANCE AMENDING CHAPTER 15, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, BY REPLACING SECTION 15-128, TELECOMMUNICATIONS PUBLIC SERVICE TAX WITH A NEW SECTION 15-128, COMMUNICATIONS SERVICES TAX; PROVIDING FOR THE ADOPTION OF THE COMMUNICATIONS SERVICE TAX RATES AS ESTABLISHED BY THE FLORIDA LEGISLATURE; ELECTING NOT TO REQUIRE AND COLLECT ENGINEERING PERMIT FEES FOR THE PLACEMENT OR MAINTENANCE OF COMMUNICATIONS FACILITIES IN THE CITY’S ROADS OR RIGHTS-OF-WAY; AND PROVIDING FOR NOTICE TO THE STATE OF FLORIDA, DEPARTMENT OF REVENUE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Request to Broward County from Lauderdale Isles –
Purchase of Land for Park Greenspace **(R-1)**

A resolution was presented supporting the Lauderdale Isles neighborhood’s request to Broward County for the purchase of land located on the southeast corner of State Road 7 and Riverland Road for park greenspace.

Commissioner Katz asked why this was being brought forward separately when all the others had been done at once. The City Manager stated that when the presentation had been made to the Lauderdale Isles Homeowners’ Association a few weeks ago, it had been requested that this resolution of support be included. Staff had committed to presenting it to the Commission in a timely fashion. Commissioner Katz asked who would maintain the land. The City Manager stated that once it was annexed, the City would maintain it, but the County would in the meantime.

Commissioner Hutchinson believed this parcel was located within the City. Mr. Phil Thornburg, Parks Superintendent, agreed that determination had been made. Mayor Naugle understood this was the lot where kids had been doing motocross.

Ms. Yvonne Burton, with the Southwest Coalition, stated that this had been brought up at the annexation meeting, but it had originated with the Southwest Coalition, which supported this resolution.

Commissioner Smith noted that there were two sides to the Parks bond – a parks side and an acquisition space for open space – but there were very few things that could be put on open space. He advised that if a park was desired, that would have to be forwarded to the County immediately for inclusion in the parks side. However, if open space was desired, that was different. The City Manager believed open space was desired.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE REQUEST OF LAUDERDALE ISLES THAT BROWARD COUNTY PURCHASE LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 7 AND RIVERLAND ROAD FOR PARK PURPOSES UNDER THE SAFE PARKS AND LAND PRESERVATION PROGRAM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Development of Significant Impact/IOA – La Rive Condominium -
Vicenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00) (R-2)

At the Planning and Zoning Board regular meeting on December 20, 2000, it was recommended by a vote of 5-3 that the following application be approved. On February 6, 2001, the City Commission deferred consideration of this item to March 15, 2001; on March 15, 2001, the City Commission deferred consideration of this item to April 5, 2001 by a vote of 5-0. On April 5, 2001, the City Commission denied approval of this application by a vote of 1-4 (Katz, Moore, Hutchinson and Naugle). On April 17, 2001, the City Commission approved a motion to reconsider by a vote of 4-1 (Naugle), and scheduled this item for consideration for May 15, 2001 by a vote of 5-0. On May 15, 2001, this item was deferred to June 5, 2001 by a vote of 5-0; and on June 5, 2001, this item was deferred to June 19, 2001 by a vote of 5-0.

Applicant: Vicenzo Esposito and Christian D. Wissing
Request: Approval of development of significant impact/IOA
Location: La Rive Condominium - 715, 725 Bayshore Drive

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Ms. Debbie Orshefsky, Attorney representing the applicant, distributed a memorandum prepared by Ed Curtis on behalf of the Sunrise Intracoastal neighborhood, and an elevation of the compromise design. She expressed appreciation to Commissioner Katz for her assistance in working through the issues associated with this development proposal. Ms. Orshefsky believed the memo explained all of the issues and the applicant's commitment with respect to the reflectivity of the glass to be used.

Commissioner Hutchinson understood the total height of the building would be 100'. Ms. Orshefsky stated that the measured height would be 99'6", and everything above that would be the mechanical components.

Mr. Ed Curtis stated that the majority of the neighborhood committee working on this had agreed to this development as set forth by the distributed memorandum, although there was still opposition. He advised that there had been a tortured process, and Mr. David McNolte had the authority of the Board to speak in this regard.

Ms. Rochelle Golub said she opposed this project. She appreciated all of the efforts that had been made to reach a compromise, but there was not unanimity as to the development. In fact, she questioned that a majority supported it because she had conducted a poll today, and she had learned that people believed there had been significant reductions in the building and a maximum height of 96' including mechanical equipment. Ms. Golub stated that 3 individuals had indicated they had just gone along with the majority, but that did not sound like favoring a compromise proposal. She hoped the Commission would not approve the project on the basis of a hastily drawn elevation.

Ms. Golub understood there was room for a 10% increase in the overall size of the building, which would put it over the agreements reached with the community. She did not think a community in fear of a worse building was a community that favored a compromise position. Ms. Golub hoped each Commissioner would form their own opinions about this project.

Ms. Orshefsky said that the direction of the City Commission had been to work with the neighborhood, and that goal had been achieved. She stated that plan after plan had been considered, and there was a set of plans on file with the City reflecting a maximum of 37 units within the building envelope reflected on the elevation even though 46 units would be permitted under the zoning. She felt that was a significant reduction. The height had also been reduced about 50' from the original proposal that the Planning & Zoning Board approved. Ms. Orshefsky felt the developer had responded to the concerns presented, and there were sufficient plans on file that reflected the compromise position the Commission was seeing this evening.

Ms. Orshefsky stated that the 147' configuration had been the last plan officially submitted but, in the spirit of compromise, the applicant offered this proposal this evening. She felt the applicant had been open and forthright with the community and encouraged the Commission to adopt this resolution.

Mr. David McNolte said that in the absence of Christine Teel, as President of the Sunrise Intracoastal Homeowners' Association, he was representing the Board of Directors. He reported that the Board supported the proposal outlined this evening.

Commissioner Katz thought this had been a long, tortuous process, but she felt a compromise had been reached that was acceptable to the majority of the community.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 01-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A BEACH DEVELOPMENT PERMIT FOR A CONDOMINIUM AND APPROVAL OF SETBACK MODIFICATIONS ON PROPERTY LOCATED AT 715, 725 BAYSHORE DRIVE IN FORT LAUDERDALE, FLORIDA IN AN IOA ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: Commissioner Hutchinson.

**Agreement – International Swimming Hall of Fame (ISHOF) – Use of Parks
General Obligation Bond (GOB) Funds for the Creation of a Portable Museum (R-3)**

A resolution was presented authorizing the proper City officials to execute an agreement with ISHOF for use of allocated Parks GOB funds for the purpose of creating a portable museum for ISHOF.

Commissioner Katz understood the ISHOF had a lot of needs and wondered if the entire \$1.2 million could be put towards improving the existing facility. Mr. Vince Gizzi, Parks & Recreation Department, stated that the \$1.2 million had been allocated to the Museum and not to the pool. There was another \$400,000 allocated for pool resurfacing. He advised that the \$1.2 million could be redirected to the pool or used at another site.

Commissioner Katz inquired about the cost of deepening and lengthening the pool. *Dr. Sam Freas*, President of ISHOF, stated that under the bond process, the ISHOF had to delineate exactly what the monies would be used for. The citizens of Fort Lauderdale had voted to help the museum as opposed to the swimming pool; therefore, Dr. Freas was not sure the monies could be diverted to the pool. The City Attorney said he had conferred with Bond Counsel, and he had concurred with Mr. Gizzi that the money could be reallocated and used in this fashion.

Commissioner Katz thought it might be better to use this money toward the needs associated with the pool. If the cost of that work was over the \$1.2 million, perhaps the money could be put in some sort of trust and leveraged along with private donations. Mr. Kisela estimated the renovations to be in the \$5 million to \$10 million range. He agreed the money could be “bank-rolled,” but it would be many years before enough was accumulated.

Commissioner Moore suggested that the item be deferred because he thought it made sense to consider Commissioner Katz’s ideas before moving forward on this resolution. He recalled past discussion about the impact of the ISHOF on the local economy. Commissioner Smith thought the Commission needed a “Plan B,” although he thought the plan for a mobile ISHOF had a great deal of merit. He said he could support this resolution tonight if the ISHOF was going to devise a good plan for the pools. However, he was concerned the ISHOF was not ready to move ahead because there had been discussions about D. C. Alexander Park, the Las Olas Lot, and the South Beach area.

Dr. Freas stated that the ISHOF had made certain representations about how the money from the bond issue would be spent. The citizens had agreed they wanted to make the Museum better. Dr. Freas advised that the mobile Museum would allow the ISHOF to take the drowning issue to the people, and there were a lot of important messages to take to the community that were not related to the pool. He described the Museum’s plan to go on the road around the community, the State, nationally and internationally. Dr. Freas did not think the City would get as “big a bang for the buck” if the money was spent on the pool.

Dr. Freas advised that a plan was being developed, and he had appeared before the Beach Council. He reported that a group of citizens was going to meet at the HOF with some representatives from the Chamber of Commerce to start the process. Dr. Freas stated it would be more of a \$10 million or \$15 million effort, plus the loss of business, to renovate the swimming facility. He felt the \$400,000 under discussion today was an entirely different issue – taking the message of aquatics out to the community.

Commissioner Smith asked Dr. Freas to invite him to the community meetings he had mentioned. Dr. Freas was happy to invite the entire Commission. Mayor Naugle suggested that the City Clerk post the meetings so the Commissioners could attend. Dr. Freas agreed to provide the City Clerk and Commissioner Smith with the meeting information.

Commissioner Moore did not feel he could support this item tonight because he felt Commissioner Katz had raised some important questions. He acknowledged that this money had been promoted for the Museum's use, but he thought the community would get a better return on the investment if the money was spent on pieces for the Museum itself rather than making existing facilities mobile. His preference was to consider the pros and cons and any other possibilities before taking this action.

Motion made by Commissioner Moore to defer this item. Motion died for lack of a second.

Commissioner Smith understood from the newspapers that some other communities had been "courting" the ISHOF to move to another location. He was concerned about Fort Lauderdale taxpayers spending this money if consideration was being given to taking the facility out of the City. Commissioner Smith asked if there was any provision attached to this funding in that regard. The City Attorney replied there was not, but this resolution would authorize execution of a grant agreement, and an amendment could be made to include a restriction about relocating in the grant agreement. Mr. Kisela said that there was language in the grant agreement that amortized the investment over a 5-year period. Therefore, if the Museum moved, it would have to reimburse the City.

Commissioner Katz agreed she would rather take a little more time to examine all the options for using this \$1.2 million to benefit the ISHOF. Mayor Naugle said he hoped the City ended up with the ISHOF on the north side of Las Olas Boulevard, and he still thought that could happen. If not, however, it would cost millions of dollars to "pay for that mistake," and the mobile Museum could be used to help generate money for that effort.

Dr. Freas stated that when the ISHOF had last received an allocation of money, it had been able to leverage those funds. That would be the case here, too. He said it had been done in 1990, and the ISHOF would do it again. Commissioner Moore pointed out that when people visited the Museum, they paid an admission fee that helped fund the operation itself. He noted that revenues would be lost and, while he was not opposed, he felt the issues should be examined more closely before taking this action.

Commissioner Smith was troubled by Mayor Naugle's remarks about a mistake being made in terms of the Las Olas lot. He was concerned that the ISHOF might still feel the same way, and the City might have to spend the money to fix the pools anyway if there was a relocation. If that was the position of ISHOF, he did not feel he could support this resolution.

Dr. Freas stated that the swimming community was examining all the possible solutions, and a couple of properties were being investigated. He did not know what was happening with the Las Olas parcel, although he understood the ISHOF proposal was still under consideration. Dr. Freas had not received any indication to the contrary, and he was not one to ever give up hope, but other options were being considered. He committed to moving forward and doing positive things for the City.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A GRANT AGREEMENT FOR BOND FUNDING AND CONSTRUCTION, OPERATION, USE AND MAINTENANCE OF MUSEUM EXHIBITRY WITH THE INTERNATIONAL SWIMMING HALL OF FAME, INC._____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioners Katz and Moore.

Vacate Utility Easement – Downtown Development Authority
(DRC Case No. 6-M-01) (R-4)

A resolution was presented authorizing the vacation of a 40-foot utility easement as follows:

Applicant:	Downtown Development Authority
Request:	Vacate 40-foot utility easement
Location:	32 East Las Olas Boulevard

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT CERTAIN UTILITY EASEMENT RETAINED BY THE VACATION OF A PORTION OF EAST LAS OLAS BOULEVARD BY CITY OF FORT LAUDERDALE ORDINANCE NO. C-79-15; BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF SOUTH ANDREWS AVENUE; BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOT 10, BLOCK 27, "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST LAS OLAS BOULEVARD; AND BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOTS 1 AND 10 OF THAT CERTAIN UN-NUMBERED BLOCK, COMMONLY DESIGNATED AS BLOCK 31, OF THE AMENDED PLAT OF "FORT LAUDERDALE, FLORIDA", AS RECORDED IN PLAT BOOK 2, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTH ANDREWS AVENUE AND SOUTHEAST 1ST STREET, BETWEEN EAST LAS OLAS BOULEVARD AND THE NEW RIVER, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Lincoln Park One-Stop Shop Project –
Reimbursement of Expenses from Loan Proceeds –
Sunshine State Governmental Financing Commission (R-5)**

A resolution was presented authorizing the reimbursement of Lincoln Park One-Stop Shop project expenditures from the proceeds of a pending loan in the approximate amount of \$4.35 million from the Sunshine State Governmental Financing Commission.

Commissioner Katz was not comfortable moving forward with issues like this without a good vision of what future needs might be involved. Mayor Naugle wondered if she would feel more comfortable voting on this after the budget message. Commissioner Katz said she'd have a little more information at that time. Mayor Naugle was also concerned that the City might not be able to afford these sorts of things. Commissioner Katz did not know if that was the case, but she had not yet seen a plan indicating how much space would be necessary in 5 or 6 years.

The City Manager believed Commissioner Katz had raised these concerns before, and a space study was underway that would be presented at the second July meeting. He recalled that the Commission had approved the concept that the One-Stop Shop would have to be relocated from the current premises, and that a considerable amount of revenue could be generated if those parcels were combined and let for development. He felt placing the One-Stop Shop at Lincoln Park was consistent with the overall goal to spur redevelopment on the Sistrunk Corridor by having a government presence in the area. The City Manager stated that staff was trying to fast-track the space needs study.

Mayor Naugle inquired about problems associated with delaying this resolution until the needs study had been presented in July. Mr. Pete Sheridan, Assistant City Engineer, advised that a delay would halt the Task Order issued to Keith & Schnars to proceed with Lincoln Park.

Commissioner Katz said she had not thought the Commission had decided to sell the property on which the current One-Stop Shop was located. She had been under the impression that the subject would be discussed in July. The City Manager believed that when he had first put forth the concept during a workshop session, it had been agreed upon by a majority of the Commission. He recalled discussion about assembling all of the property owned by the City, although no commitment had yet been made, and he had recommended putting it out for development in order to obtain the highest and best use and obtain some return. The City Manager agreed a formal vote had not been taken, but he believed everyone agreed it was valuable property from which the City could benefit.

Commissioner Moore thought it was clear that the One-Stop Shop was too small, and there were a number of issues that would cost several hundred thousand dollars to correct. He understood the first phase of the concept was to relocate the One-Stop Shop somewhere, and Lincoln Park was the proposed location. Therefore, he did not feel this action was premature. Insofar as the existing One-Stop Shop property was concerned, Commissioner Moore felt it was a topic for another day.

Commissioner Katz agreed the One-Stop Shop had to be moved, but before buying and building something, she wanted to know how the debt would be paid. There had been some vague discussion about paying that debt by possible selling the current site, but perhaps that land should be used for a future City Hall or fire station or police station, etc. Mayor Naugle pointed out that a very fine fire station was already being built down the road. Commissioner Katz said that before she signed up for a \$3.5 million loan, she wanted to know how the debt would be paid. She wondered if this could wait until July.

Mr. Damon Adams, Director of Finance, wished to clarify the issue before the Commission this evening. He stated that this resolution would not authorize any borrowing. It would, however, allow for reimbursement in the future from tax exempt financing if any money was spent towards this project. Mr. Adams said that if the resolution did not go forward and tax exempt money was eventually wanted to finance the project, there could be some difficulty financing preliminary expenses. Commissioner Katz asked when the debt would be considered. Mr. Adams said he had planned to present that issue in September, but if the Commission wanted to discuss it in July, that could be done. Commissioner Katz thought that would be appropriate. She did not know if \$4.35 million would be enough. Mayor Naugle recalled that staff had indicated that to be the absolute maximum amount. Mr. Kisela said that was the most recent estimate, and staff was comfortable with that at this point, and the consultant was aware of the available resources.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PROJECT COSTS RELATED TO THE LINCOLN PARK PROJECT INCURRED WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

**Appeal of Planning and Zoning Board Decision –
Development of Significant Impact for Sidewalk Café -
Ed Toomey and John Amodeo (PZ Case No. 133-R-99)..... (R-6)**

At the December 15, 1999 Planning and Zoning Board meeting, the following application failed by a vote of 0-8. On June 5, 2001, the City Commission scheduled by a vote of 5-0 to hold a public hearing for June 19, 2001.

Applicant: Ed Toomey and John Amodeo
Request: Development of Significant Impact for Sidewalk Café
Location: 219 South Atlantic Boulevard

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item.

Mr. Doug Wallace, representing John Amodeo, said that the applicant had worked diligently on this over the past 18 months, and he hoped the Commission would approve the item.

Commissioner Smith favored this application. He felt Mr. Amodeo was a responsible businessman facing some challenges. Commissioner Katz asked if permission from the Florida Department of Transportation (FDOT) was necessary. Mr. Wallace did not believe so. He advised that there was an 18' setback from the curb involving the FDOT, but beyond that seating was allowed. Commissioner Katz wondered what would happen if the seating began to edge its way into the setback area. Mr. Kevin Erwin, Construction Services, advised that would be a Code enforcement issue.

Commissioner Katz hoped Code enforcement efforts would be diligent because otherwise the tables and chairs would push closer to the street, and the pedestrians would be pushed into the street itself. She felt diligent Code enforcement would be necessary to address the safety issue. Mr. Pete Witschen, Assistant City Manager, made a commitment to Code enforcement on at least a monthly basis, and periodic reports to the Commission could be provided. Commissioner Katz felt that would be in order.

Commissioner Hutchinson wondered how many other cafes on the beach were allowed to have seating into the public portion of the sidewalk. Mr. Witschen advised that the first report he provided would include the number of establishments that were permitted to have that seating. Commissioner Smith stated that all of the establishments had tables up to the brass markers. In this case, the license had inadvertently not been renewed, but the seating was all lined up as it had been for some time. He felt this was just a technicality.

Commissioner Smith referred to the square boxes inside the sidewalk. Nobody ever sat on them, and they were just concrete blocks in the way of the sidewalk. He thought consideration should be given to removing them, and he recalled Commissioner Moore had raised the issue in the past. Commissioner Moore said he had no objection to their removal or replacement with some other seating method. Commissioner Smith agreed the diagonal position was not the best, and Mayor Naugle pointed out that they became collectors of trash.

Commissioner Hutchinson understood every other restaurant on the beach had gone through the same process. Ms. Cecelia Hollar, Construction Services, advised they were going through the process after a “sweep” by Code enforcement staff. The establishments were either renewing licenses or obtaining licenses for the first time to ensure they met all the requirements.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, GRANTING A BEACH DEVELOPMENT PERMIT FOR A SIDEWALK CAFÉ ON THE SIDEWALK ABUTTING THE PROPERTY LOCATED AT 219 SOUTH ATLANTIC BOULEVARD IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Aviation Advisory Board

Steve Stella
Robert Hord
Tom Newman
Brad Hubert
Bob Hodges
John McGinnis
Dr. Lee Alexander
Mildred Hightower

Board of Commissioners, City of
Fort Lauderdale Housing Authority

Ruby Slaton

Education Advisory Board

Jessica Pollini

Historic Preservation Board

William Saunders
Margi Glavovic Nothard
Christopher Eck

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 9:30 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

Lucy Masliah
City Clerk